

REMARKS

This Amendment is being filed in response to the Office Action mailed April 28, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2 and 5-19 remain in this application, where claims 3-4 had been canceled without prejudice and claims 12-19 have been added.

In the Office Action, claims 1-2 and 5-11 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over JP 60-177446 (Norihiro) in view of U.S. Patent No. 5,914,214 (Ohta). It is respectfully submitted that claims 1-2 and 5-19 are patentable over Norihiro and Ohta for at least the following reasons.

Norihiro is directed to an optical disk recording medium that includes an alloy layer consisting of In and Sb or In and Sb and a specific metal. As specifically recited in the Abstract, the alloy layer includes a metal "selected from Au, Ag, Cu, Pd, Pt, Al, Si, Ge, Ga, Sn, Te, Se and Bi." (Emphasis added)

In stark contrast, the present invention as recited in

independent claim 1, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the alloy does not include Te.

There is simply no disclosure or suggestion in Norihiro to use an alloy that does not include Te, invention as recited in independent claim 1. Ohta is cited to allegedly show other features and does not remedy the deficiencies in Norihiro.

Accordingly, it is respectfully submitted that independent claim 1 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2 and 5-19 should also be allowed at least based on their dependence from amended independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

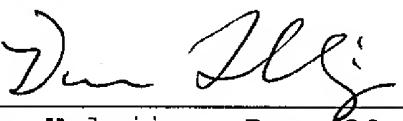
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Amendment in Reply to Office Action mailed on April 28, 2008

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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